

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

IN RE:

KECIA GILKEY,

CASE NUMBER 19-22323

DEBTOR.

CHAPTER 13

EXPEDITED MOTION TO SET ASIDE GENERIC

TO THE HONORABLE JENNIE D. LATTA, UNITED STATES BANKRUPTCY COURT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE:

Comes now the Debtor, by and through counsel, and respectfully moves this Honorable Court to set aside the Order on Order on Failure to Cure Default Under Consent Order on Motion for Relief from Automatic Stay previously entered on October 23, 2020 (entry 46) in the instant case and in support of such motion would state and show unto the Court the following:

1. That the Debtor's case was filed on March 20, 2019.
2. The Debtor entered into a Consent Order, which was entered on October 8, 2019, with U.S. Bank Trust National Association , As Trustee of the Chalet Series III Trust ("Chalet") being serviced by BSI Financial Services as it pertains to the real property with an address of 4111 Fizer Avenue, Memphis, Tennessee 38111 , which was later amended and entered on November 7, 2019.
3. On July 2, 2020, we received a Notice of Default from U.S. Bank Trust National Association , As Trustee of the Chalet Series III Trust ("Chalet") being serviced by BSI Financial Services, stating that the Debtor was due for the months of November, 2019 through July, 2020.
4. The Debtor was then contacted by our office and made aware of the Notice of Default. The Debtor stated that she mailed all her payments to the Chapter 13 Trustee.

The Debtor provided our office with all of her money order receipts. Please see “Exhibit A”.

5. On August 4, 2020, we attempted to reach Attorney Edward Russell by phone, to discuss the Notice of Default in which all attempts failed. This has been an ongoing problem as it relates to trying to resolve the matter.

6. After being made aware of the Order on Failure to Cure Default Under Consent Order on Motion for Relief from Automatic Stay, we contacted the Chapter 13 Trustees’ office and was provided proof of disbursement to U.S. Bank Trust National Association, As Trustee of the Chalet Series III Trust (“Chalet”) being serviced by BSI Financial Services, in which reflects that all payments have been made by the debtor. Please see “Exhibit B”.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, THE DEBTOR PRAYS:

1. That an expedited hearing be set ;
2. The Order on Failure to Cure Default Under Consent Order on Motion for Relief From Automatic Stay (entry #46) be set aside;
3. The Chapter 13 Trustee be allowed to adjust the Debtor’s plan in accordance herewith.

Respectfully Submitted,

/s/ Michael Don Harrell
Michael Don Harrell (#9184)
Attorney for Debtor
1884 Southern Avenue
Memphis, TN 38114
(901) 274-5462
harrellandassoc@bellsouth.net

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing document has been mailed, postage paid or hand-delivered, on this 20th day of November, 2020, to the following;

/s/ Michael Don Harrell
Michael Don Harrell

Kecie Gilkey, 4111 Fizer Ave., Memphis, TN 38111
All Entities in the matrix
US Trustee via email
Chapter 13 Trustee via email

Exhibit A

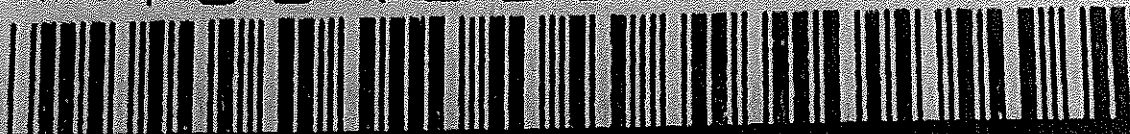
MONEY ORDER RECEIPT - NON NEGOTIABLE

NOT PAY 19

ACT 359418 LOC 000469 DT 110119 \$931.51 9HUNDRED31DOLLARS AND 51CENTS

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.
PURCHASE AGREEMENT: You the purchaser agree that Western Union Financial Services Inc. (WUFSI) need not stop payment on, or replace, or refund a lost or stolen WUFSI Money Order unless (1) you fill in the face of the Money Order at the time of purchase, and (2) you report the loss or theft to Western Union Financial Services Inc. in writing immediately, and (3) You provide WUFSI with this original Money Order receipt issued by Western Union Financial Services Inc., Englewood, Colorado. For customer service, call 1-800-999-9660.

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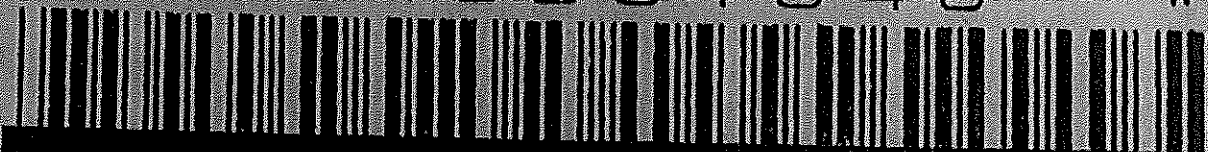
MONEY ORDER RECEIPT - NON NEGOTIABLE

Dec Pay 19

ACT 359418 LOC 000489 DT 113019 \$931.51 9HUNDRED31DOLLARS AND 51CENTS

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.
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Jan Pay 20

ACT 359407 LOC 00043E DT 123119 \$931.51 9HUNDRED31DOLLARS AND 51CENTS

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.
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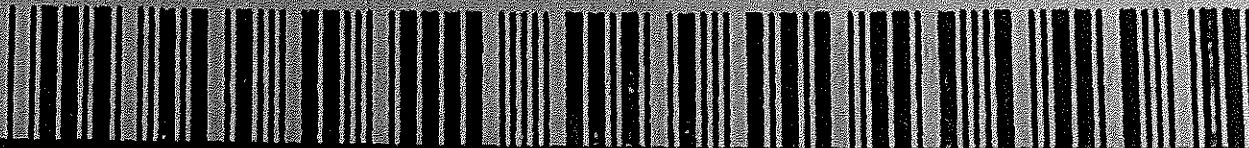
MONEY ORDER RECEIPT - NON NEGOTIABLE

Feb Pay 20

ACT 357318 LOC 000000 DT 020220 \$931.51 9HUNDRED31DOLLARS AND 51CENTS

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.
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MONEY ORDER RECEIPT - NON NEGOTIABLE

MONEY ORDER RECEIPT - NON NEGOTIABLE

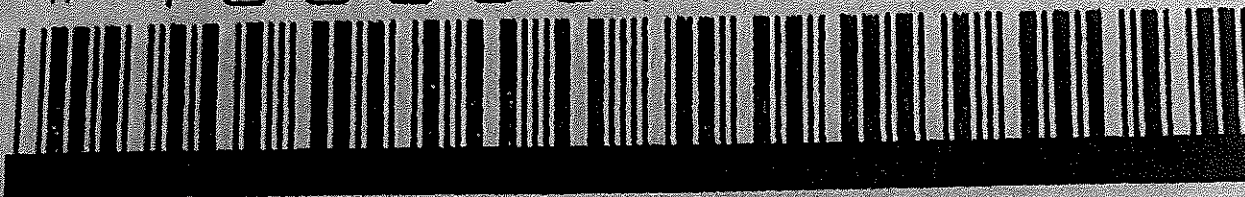
March Pay 20

AGT 359418 LOC 000489 DT 032820 \$913.51 9HUNDRED13DOLLARS AND 51CENTS

Payable to: RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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MONEY ORDER RECEIPT - NON NEGOTIABLE

April Pay 20

step 13

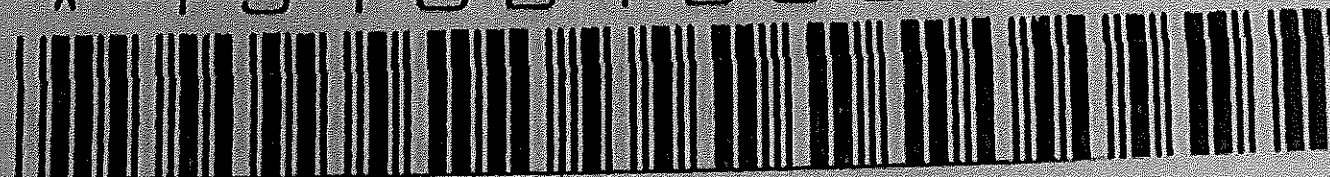
BANKRUPTCY

AGT 359418 LOC 000489 DT 033120 \$913.51 9HUNDRED13DOLLARS AND 51CENTS

Payable to: RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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may pay 20
Amount Change

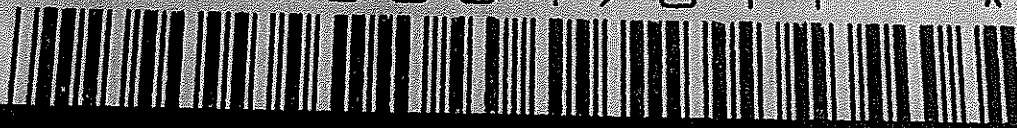
ACT 359408 LOC 000489 DT 042320 \$917.00 9HUNDRED17DOLLARS AND
NO CENTS

Payable to:

RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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MONEY ORDER RECEIPT - NON NEGOTIABLE

June pay 20

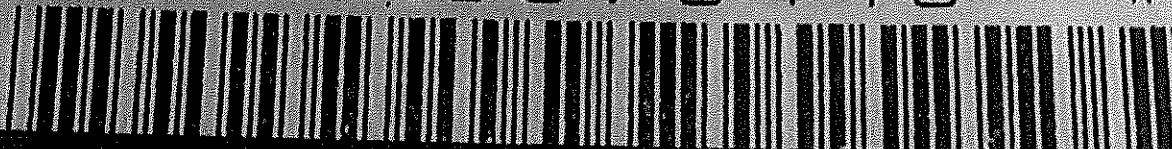
ACT 357318 LOC 000000 DT 053120 \$913.51 9HUNDRED13DOLLARS AND
51CENTS

Payable to:

RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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MONEY ORDER RECEIPT - NON NEGOTIABLE

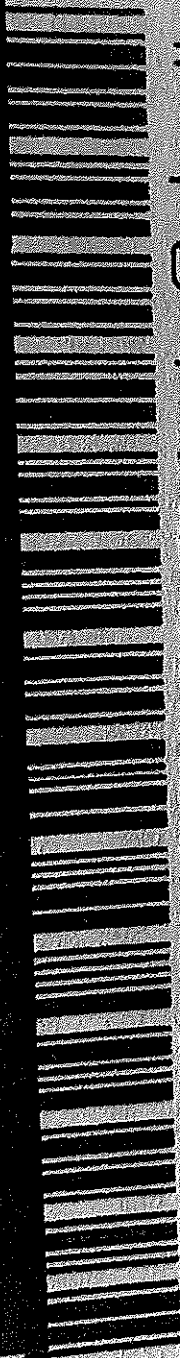
← MONEY ORDER RECEIPT - NON NEGOTIABLE →

July Pay

AST 359407 LOC 000438 DT 070220 \$914.02 ~~THUNDRE~~ 400LLARS AND
20CENTS

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.
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WESTERN UNION FINANCIAL SERVICES INC. ORDER NO. 000489 DT 000320 \$159.00 14MMREH6910LLATS AND

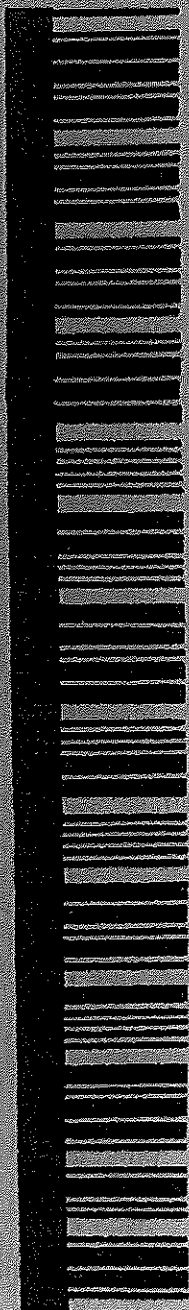
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2052

Payable to: RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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AGT 359418 LOC 000489 DT 100220 \$1000.00 1THOUSANDDOLLARS AND NO CENTS

Payable to: RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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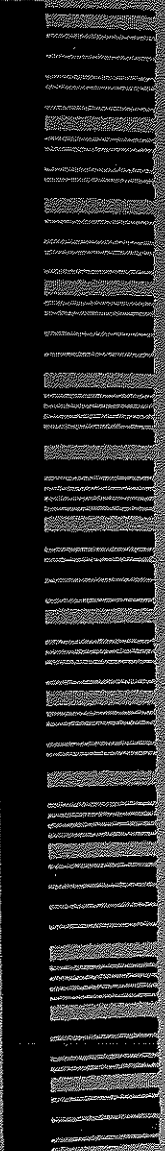
MONEY ORDER RECEIPT - NON NEGOTIABLE

AGT 359418 LOC 000489 DT 100220 \$428.00 4HUNDRED28DOLLARS AND NO CENTS

Payable to: RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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OCT 20
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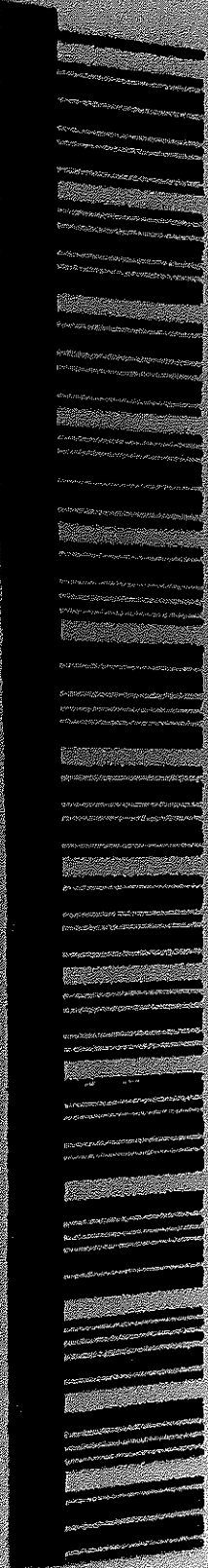
OCT 20
2052

NOV 25 9 40 AM '10 LOC 000438 IT 103030 \$1000.00 1THOUSAND DOLLARS AND NO CENTS

Payable to: RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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2010

Nov 20

READ THIS DIRECTION, THIS SIDE UP

NOTICE, THIS SIDE UP

MONEY ORDER RECEIPT - NON NEGOTIABLE

WESTERN UNION FINANCIAL SERVICES INC. 000438 01 103028-4475.00 FOURTHEDOLLARS AND NO CENTS

Nov 20

Payable to: REMAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL REFUND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.

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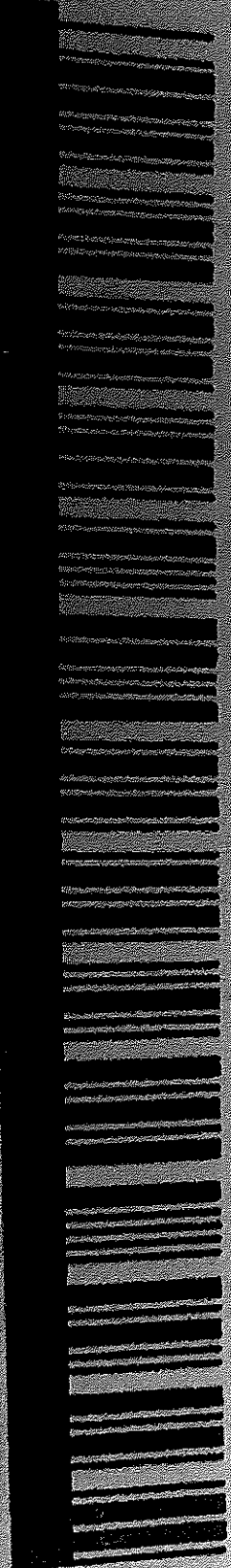


Exhibit B

Case	Parties	Pay Schedules	Payees	Financials	Plan Calc 1	Forum	Documents (0)	Docket	Scan	Attach	Matters
19-22323-1	KECIA RENEE GILKEY (XXX-XX-8127)										
Trustee: Sylvia Ford Brown											
Attorney: MICHAEL DON HARRELL											
Recently Accessed Cases: 19-22323-1, KECIA RENEE GILKEY											
5/20/2019 (has passed) 9/16/2019 (has passed)											
Confirmed: 6/13/2019 has check is YES											
Case Status: ACTIVE (6/7/2024)											

GENUINE PARTS COMPANY paying \$51.00 EVERY TWO WEEKS

Date	Payee / Batch	Payee / Reserve Name	Check / Source	Description	Disbursements
10/10/2020	1	BSI FINANCIAL SERVICES INC	3115485	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,191.00
9/10/2020	1	BSI FINANCIAL SERVICES INC	3115372	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$794.00
8/10/2020	1	BSI FINANCIAL SERVICES INC	3115267	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,191.00
7/10/2020	1	BSI FINANCIAL SERVICES INC	3115153	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,191.00
6/10/2020	1	BSI FINANCIAL SERVICES INC	3115043	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,588.00
5/7/2020	1	BSI FINANCIAL SERVICES INC	3114934	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$794.00
4/10/2020	1	BSI FINANCIAL SERVICES INC	3114824	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,191.00
3/10/2020	1	BSI FINANCIAL SERVICES INC	3114675	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,191.00
2/10/2020	1	BSI FINANCIAL SERVICES INC	3114562	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,985.00
1/10/2020	1	BSI FINANCIAL SERVICES INC	3114419	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$794.00
12/10/2019	1	BSI FINANCIAL SERVICES INC	3114301	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$794.00
11/10/2019	1	BSI FINANCIAL SERVICES INC	3114175	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$1,588.00
10/10/2019	1	BSI FINANCIAL SERVICES INC	3114041	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$397.00
9/10/2019	1	BSI FINANCIAL SERVICES INC	3113928	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$397.00
8/10/2019	1	BSI FINANCIAL SERVICES INC	3113798	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$397.00
7/10/2019	1	BSI FINANCIAL SERVICES INC	3113672	AMOUNT PAID TO CREDITOR - MONTHLY DISBURSEMENTS	\$397.00
Totals:					\$15,880.00